I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. ER147058187US, in an envelope addressed to: MS Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 23, 2003

Signature: Stan Harris
(Staci Harris)

Docket No.: HO-P01886US2

(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Ryland F. Young, et al.

Application No.: Not Yet Assigned Group Art Unit: N/A

Filed: July 23, 2003 Examiner: Not Yet Assigned

For: ANTIBIOTICS BASED UPON

**BACTERIOPHAGE LYSIS PROTEINS** 

## **INORMATION DISCLOSURE STATEMENT (IDS),**

Commissioner for Patents Washington, DC 20231

Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned.

The patent(s) or publications in the attached form PTO/SB/08 (facsimile) are not supplied because they were previously cited by or submitted to the Office in a prior application No. 09/626,036, filed July 27, 2000 and relied upon in this application for an earlier filing date under 35 U.S.C. 120.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. 10020446.

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Dated: July 23, 2003

Respectfully submitted,

Melissa W. Acosta

Registration No.: 45,872

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	Substitute for form 1449A/PTO				Complete if Known			
ı		_	_		Application Number	09/626,036		
	INFORMATION DISCLOSURE			CLOSURE	Filing Date	07/27/2000		
	STATEMENT BY APPLICANT				First Named Inventor	YOUNG		
!					Group Art Unit			
		(use as many she	ets as	necessary)	Examiner Name			
	Sheet	1	of	2	Attorney Docket Number	P01886US1		

	U.S. PATENT DOCUMENTS								
Examiner Cite Initials * No.1 Number		U.S. Patent Documer  Number Kind Cod  (if known)	of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear				
5,470,573		Immunogens Comprising the Non-Lytic Membrande spanning domain of Bacteriophages MS2 or Phix174	11/28/1995						
5,962,410		5,962,410	Inhibition of Eucaryotic Pathogens with Lytic Peptides	10/05/1999					
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FOREIGN PATENT DOCUMENTS									
Examiner Cite No.1		For Office <sup>3</sup>		nent Name of Patentee or Applicant of fi known) Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>6</sub>		
		EPO	EP0897007A		Smithkline Beecham Corporation	02/17/1999			
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<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark hee if English language Translation is attached.

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Substitute f	or form 1449A/PTO			Complete if Known		
INICO	ONATION I	DIE	CLOSURE	Application Number	09/626,036	
				Filing Date	07/27/2000	
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				Group Art Unit		
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Sheet	2	of	2	Attorney Docket Number	P01886US1	

OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS						
Examiner Cite Initials * No.1		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title o the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				
		ROOF, et al., Mutational Analysis of slyD, an Escherichia coli Gene Encoding a Protein of the FKBP Immunophilin Family, Molecular Microbiology 25(6), 1997, p. 1031-1046.	!			
		ROOF, et al., slyD, a Host Gene Required for (phi)X174 Lysis, Is Related to the FK506-binding Protein Family of Peptidyl-prolyl cis-trans-Isomerases, The Journal of Biological Chemistry 269(4), January 28, 1994, p. 2902-2910.				
		SMITH, et al., The (lambda) Holin Accumulates Beyond the Lethal Triggering Concentration under Hyperexpression Conditions, Gene Expression Vol. 7, 1998, p. 39-52.				
		WINTER AND GOLD, Overproduction of Bacteriophage Q(beta) Maturation (A2) Protein Leads to Cell Lysis, Cell Vol. 33, July 1983, p. 877-885.				
		HARA, et al., A Promoter for the First Nine Genes of the Escherichia coli mra Cluster of Cell Division and Cell Envelope Biosynthesis Genes, Including ftsI and ftsW, Journal of Bacteriology 179(18), September 1997, p. 5802-5811.				
		BERNHARDT, et al., Genetic evidence that the bacteriophage (phi)X174 lysis protein inhibits cell wall synthesis, PNAS 97(8), April 11, 2000, p. 4297-4302.				
		FURSTE, et al., Molecular cloning of the plasmid RP4 primase region in a multi-host-range tacP expression vector, Gene Vol. 48, 1986, p. 119-131.				
		MENGIN-LECREULX, et al., Contribution of the Pmra Promoter to Expression of Genes in the Escherichia coli mra Cluster of Cell Envelope Biosynthesis and Cell Division Genes, Journal of Bacteriology 180(17), 1998, p. 4406-4412.				
		KLECKNER, et al., Uses of Transposons with Emphasis on Tn10, Methods in Enzymology Vol. 204, 1991, p. 139- 180.				
	MILLER, et al., Episome Transfers: Direct Selection in A Short Course in Bacterial Genetics: A Laboratory Manual & Handbook for Escherichia coli and Related Bacteria (Cold Spring Harbor Lab. Press, Plainview, NY, p. 82-85, 1992					
		BOYLE and DONACHIE, mraY is an Essential Gene for Cell Growth in Escherichia coli, Journal of Bacteriology, American Society for Microbiology, Dec. 1998, Vol. 180, No. 23, p. 6429-6432.				

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	Examiner	Date	
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